

HB3897



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3897

Introduced 2/22/2021, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

820 ILCS 405/1502.1

from Ch. 48, par. 572.1

Amends the Unemployment Insurance Act. Provides that an employer's liability to pay benefit charges shall be limited to 50% of the benefit charges resulting from payments to a claimant.

LRB102 15132 JLS 20487 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 1502.1 as follows:

6 (820 ILCS 405/1502.1) (from Ch. 48, par. 572.1)

7 Sec. 1502.1. Employer's benefit charges.

8 A. Benefit charges which result from payments to any
9 claimant made on or after July 1, 1989 shall be charged:

10 1. For benefit years beginning prior to July 1, 1989,
11 to each employer who paid wages to the claimant during his
12 base period;

13 2. For benefit years beginning on or after July 1,
14 1989 but before January 1, 1993, to the later of:

15 a. the last employer prior to the beginning of the
16 claimant's benefit year:

17 i. from whom the claimant was separated or
18 who, by reduction of work offered, caused the
19 claimant to become unemployed as defined in
20 Section 239, and,

21 ii. for whom the claimant performed services
22 in employment, on each of 30 days whether or not
23 such days are consecutive, provided that the wages

1 for such services were earned during the period
2 from the beginning of the claimant's base period
3 to the beginning of the claimant's benefit year;
4 but that employer shall not be charged if:

5 (1) the claimant's last separation from
6 that employer was a voluntary leaving without
7 good cause, as the term is used in Section
8 601A or under the circumstances described in
9 paragraphs 1 and 2 of Section 601B; or

10 (2) the claimant's last separation from
11 that employer was a discharge for misconduct
12 or a felony or theft connected with his work
13 from that employer, as these terms are used in
14 Section 602; or

15 (3) after his last separation from that
16 employer, prior to the beginning of his
17 benefit year, the claimant refused to accept
18 an offer of or to apply for suitable work from
19 that employer without good cause, as these
20 terms are used in Section 603; or

21 (4) the claimant, following his last
22 separation from that employer, prior to the
23 beginning of his benefit year, is ineligible
24 or would have been ineligible under Section
25 612 if he has or had had base period wages from
26 the employers to which that Section applies;

1 or

2 (5) the claimant subsequently performed
3 services for at least 30 days for an
4 individual or organization which is not an
5 employer subject to this Act; or

6 b. the single employer who pays wages to the
7 claimant that allow him to requalify for benefits
8 after disqualification under Section 601, 602 or 603,
9 if:

10 i. the disqualifying event occurred prior to
11 the beginning of the claimant's benefit year, and

12 ii. the requalification occurred after the
13 beginning of the claimant's benefit year, and

14 iii. even if the 30 day requirement given in
15 this paragraph is not satisfied; but

16 iv. the requalifying employer shall not be
17 charged if the claimant is held ineligible with
18 respect to that requalifying employer under
19 Section 601, 602 or 603.

20 3. For benefit years beginning on or after January 1,
21 1993, with respect to each week for which benefits are
22 paid, to the later of:

23 a. the last employer:

24 i. from whom the claimant was separated or
25 who, by reduction of work offered, caused the
26 claimant to become unemployed as defined in

1 Section 239, and

2 ii. for whom the claimant performed services
3 in employment, on each of 30 days whether or not
4 such days are consecutive, provided that the wages
5 for such services were earned since the beginning
6 of the claimant's base period; but that employer
7 shall not be charged if:

8 (1) the claimant's separation from that
9 employer was a voluntary leaving without good
10 cause, as the term is used in Section 601A or
11 under the circumstances described in
12 paragraphs 1, 2, and 6 of Section 601B; or

13 (2) the claimant's separation from that
14 employer was a discharge for misconduct or a
15 felony or theft connected with his work from
16 that employer, as these terms are used in
17 Section 602; or

18 (3) the claimant refused to accept an
19 offer of or to apply for suitable work from
20 that employer without good cause, as these
21 terms are used in Section 603 (but only for
22 weeks following the refusal of work); or

23 (4) the claimant subsequently performed
24 services for at least 30 days for an
25 individual or organization which is not an
26 employer subject to this Act; or

1 (5) the claimant, following his separation
2 from that employer, is ineligible or would
3 have been ineligible under Section 612 if he
4 has or had had base period wages from the
5 employers to which that Section applies (but
6 only for the period of ineligibility or
7 potential ineligibility); or

8 b. the single employer who pays wages to the
9 claimant that allow him to requalify for benefits
10 after disqualification under Section 601, 602, or 603,
11 even if the 30 day requirement given in this paragraph
12 is not satisfied; but the requalifying employer shall
13 not be charged if the claimant is held ineligible with
14 respect to that requalifying employer under Section
15 601, 602, or 603.

16 A-5. On and after the effective date of this amendatory
17 Act of the 102nd General Assembly, an employer shall be
18 charged for only 50% of the benefit charges that result from
19 the payment of benefits to the claimant.

20 B. Whenever a claimant is ineligible pursuant to Section
21 614 on the basis of wages paid during his base period, any days
22 on which such wages were earned shall not be counted in
23 determining whether that claimant performed services during at
24 least 30 days for the employer that paid such wages as required
25 by paragraphs 2 and 3 of subsection A.

26 C. If no employer meets the requirements of paragraph 2 or

1 3 of subsection A, then no employer will be chargeable for any
2 benefit charges which result from the payment of benefits to
3 the claimant for that benefit year.

4 D. Notwithstanding the preceding provisions of this
5 Section, no employer shall be chargeable for any benefit
6 charges which result from the payment of benefits to any
7 claimant after the effective date of this amendatory Act of
8 1992 where the claimant's separation from that employer
9 occurred as a result of his detention, incarceration, or
10 imprisonment under State, local, or federal law.

11 D-1. Notwithstanding any other provision of this Act,
12 including those affecting finality of benefit charges or
13 rates, an employer shall not be chargeable for any benefit
14 charges which result from the payment of benefits to an
15 individual for any week of unemployment after January 1, 2003,
16 during the period that the employer's business is closed
17 solely because of the entrance of the employer, one or more of
18 the partners or officers of the employer, or the majority
19 stockholder of the employer into active duty in the Illinois
20 National Guard or the Armed Forces of the United States.

21 D-2. Notwithstanding any other provision of this Act, an
22 employer shall not be chargeable for any benefit charges that
23 result from the payment of benefits to an individual for any
24 week of unemployment after the effective date of this
25 amendatory Act of the 100th General Assembly if the payment
26 was the result of the individual voluntarily leaving work

1 under the conditions described in item 6 of subsection C of
2 Section 500.

3 E. For the purposes of Sections 302, 409, 701, 1403, 1404,
4 1405 and 1508.1, last employer means the employer that:

5 1. is charged for benefit payments which become
6 benefit charges under this Section, or

7 2. would have been liable for such benefit charges if
8 it had not elected to make payments in lieu of
9 contributions.

10 (Source: P.A. 100-484, eff. 9-8-17.)